

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Boggs Transport, Inc.,

Plaintiff/Counter-Defendant,

v.

American Materials Company, LLC; and
Georgia Stone Products, LLC,

Defendants/Counterclaimants.

Civil Action No. 4:22-cv-04136-JD

**MOTION TO WITHDRAW AS
COUNSEL**

NOW COMES the undersigned counsel, pursuant to Local Rule 83.I.07, and respectfully moves the Court for an Order allowing Kilpatrick Townsend & Stockton, LLP (“Kilpatrick Townsend”) and attorney Alexander M. Bullock of the firm to withdraw as counsel for Plaintiffs. In support of this motion, the undersigned states as follows:

1. Prior to the filing of this action, in 2021 Carl Andrew (“Drew”) Boggs, III executed an Acknowledgement, Waiver and Informed Written Consent (“the Conflict Waiver”) expressly waiving a conflict in connection with Kilpatrick Townsend’s representation of another client which was adverse to Mr. Boggs personally in an medial insurance coverage case (which matter is unrelated to any issues in this case). Kilpatrick Townsend undertook the present representation of the Plaintiff in this case in reliance on Conflict Waiver. While Mr. Boggs and his family founded the Plaintiff companies, he is neither an owner nor an officer or director of any of the companies and held no such office or station when the Plaintiff engaged the firm.

2. Undersigned counsel entered an appearance for Boggs Transport, Inc. (“Plaintiff”) on October 18, 2022, with the filing of the Complaint in this action. [DE # 1]

3. Mr. Boggs has been actively involved assisting counsel in connection with the representation of Plaintiff in this case.

4. On Thursday, July 13, 2023, Mr. Boggs' personal attorney informed Kilpatrick Townsend that Mr. Boggs revoked the Conflict Waiver and alleges a conflict of interest now actively exists with respect to Kilpatrick Townsend's representation of Plaintiff in this case.

5. Due to the revocation of the Conflict Waiver and the allegation of a present conflict of interest, good cause exists to grant the present motion to withdraw.

6. Pursuant to Local Rule 83.I.07, the mailing address and telephone number for Plaintiff is as follows:

Boggs Transport, Inc.
c/o Keith Jordan, President
P.O. Box 689
Monroe, NC 28111-1609
(843) 675-4285

7. As certified in the attached Declaration of Alexander M. Bullock, the undersigned counsel informed Plaintiff via letter and e-mail that (a) it may not proceed without counsel, (b) its counsel must be admitted in this district, and (c) it may be held in default or have its claims dismissed if it fails to obtain replacement counsel within a reasonable time.

8. The undersigned counsel has asked whether Plaintiff will consent to this motion but has not received consent nor any objection to the request to withdraw.

9. Plaintiff has been provided a copy of this motion and the undersigned counsel explained that Plaintiff has the right to object to this motion to withdraw, informed Plaintiff of the date the motion would be filed, informed Plaintiff that any response must be received by the court within seventeen (17) days of the filing date and advised Plaintiff that the response must be filed by counsel.

10. In addition, the undersigned provided Plaintiff with a list of recommendations for qualified replacement counsel that are admitted to practice in the District of South Carolina.

11. No discovery has yet been propounded in this matter, which is not set for trial until March 11, 2024, under the current scheduling order. [DE# 14] Additionally, the undersigned has conferred with counsel for Defendants who has agreed that any revisions to the case schedule should be addressed with replacement counsel, with the Court's consent, if this motion is allowed. Thus, Plaintiff will not be prejudiced by the undersigned's withdrawal at this point.

12. The undersigned has further conferred with counsel for the Defendants, who has consented to Kilpatrick Townsend's withdrawal and to a thirty (30) day stay of this action to enable Plaintiff to retain replacement counsel.

WHEREFORE, the undersigned respectfully requests that Kilpatrick Townsend & Stockton, LLP and Alexander M. Bullock be allowed to withdraw as counsel for Plaintiff, and that all deadlines in this case be stayed for thirty (30) days to allow Plaintiff to retain replacement counsel.

This the 24th day of July 2023.

/s/ Alexander M. Bullock
Alexander M. Bullock (D.S.C. Bar #1567)
KILPATRICK TOWNSEND & STOCKTON LLP
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Washington, DC 20004
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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing via U.S. Mail, and served this Motion to Withdraw as Counsel, via the CM/ECF/NextGen filing system, on the following:

Mr. Bryant S. Caldwell (Federal Bar No. 13125)

bryant.caldwell@wbd-us.com

Mr. Kevin A. Hall (Federal Bar No. 5375)

kevin.hall@wbd-us.com

Mr. M. Todd Carroll (Federal Bar No. 9742)

todd.carroll@wbd-us.com

1221 Main Street, Suite 1600, Columbia, SC 29201

Attorneys for Defendants

In addition, a true and correct copy of the forgoing Motion to Withdraw as Counsel was also sent by Federal Express and by electronic mail, to the following:

Boggs Transport, Inc.

c/o Keith Jordan

1013 East Sandy Ridge Road

Monroe, NC 28112

keith.jordan@boggstransport.com

This the 24th day of July 2023.

/s/ Alexander M. Bullock

Alexander M. Bullock (D.S.C. Bar #1567)